

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XXXVI

RECALL

168.951 Officers subject to recall; time for filing recall petition; performance of duties until result of recall election certified.

Sec. 951. Every elective officer in the state, except a judicial officer, is subject to recall by the voters of the electoral district in which the officer is elected as provided in this chapter. A petition shall not be filed against an officer until the officer has actually performed the duties of the office to which elected for a period of 6 months during the current term of that office. A petition shall not be filed against an officer during the last 6 months of the officer's term of office. An officer sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1993, Act 45, Imd. Eff. May 27, 1993.

Popular name: Election Code

168.952 Recall petitions; requirements; submission to board of county election commissioners; determination; notice; meeting; presentation of arguments; appeal; validity of petition.

Sec. 952. (1) A petition for the recall of an officer shall meet all of the following requirements:

- (a) Comply with section 544c(1) and (2).
- (b) Be printed.
- (c) State clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.
- (d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.
- (e) Be in a form prescribed by the secretary of state.
- (2) Before being circulated, a petition for the recall of an officer shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.
- (3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer, shall meet and shall determine whether each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.
- (4) The board of county election commissioners, not later than 24 hours after receipt of a petition for the recall of an officer, shall notify the officer whose recall is sought of each reason stated in the petition and of the date of the meeting of the board of county election commissioners to consider the clarity of each reason.
- (5) The officer whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of each reason.
- (6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the petition drive to the circuit court in the county. The appeal shall be filed not more than 10 days after the determination of the board of county election commissioners.
- (7) A petition that is determined to be of sufficient clarity under subsection (1) or, if the determination under subsection (1) is appealed pursuant to subsection (6), a petition that is determined by the circuit court to be of sufficient clarity is valid for 180 days following the last determination of sufficient clarity under this section. A recall petition that is filed under section 959 or 960 after the 180-day period described in this subsection is not valid and shall not be accepted pursuant to section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity under this section.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1993, Act 45, Imd. Eff. May 27, 1993;—Am. 1993, Act 137, Eff. Jan. 1, 1994.

Popular name: Election Code

168.952a Recall petitions; blank forms; substantial compliance.

Sec. 952a. The county clerk shall retain blank forms of recall petitions for use by the electors in the county.

A person may print his or her own recall petitions if those petitions comply substantially with the form prescribed by the secretary of state and the requirements of section 544c(2).

History: Add. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1993, Act 137, Eff. Jan. 1, 1994.

Popular name: Election Code

168.953 Repealed. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

Compiler's note: The repealed section pertained to modifying form of recall petition.

Popular name: Election Code

168.954 Recall petitions; eligibility of signers.

Sec. 954. A recall petition shall be signed by registered and qualified electors of the electoral district of the official whose recall is sought. Each signer of a recall petition shall affix his or her signature, address, and the date of signing. A person who signs a recall petition shall be a registered and qualified elector of the governmental subdivision designated in the heading of the petition.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

Popular name: Election Code

168.955 Recall petition; number of signatures; certification.

Sec. 955. The petitions shall be signed by registered and qualified electors equal to not less than 25% of the number of votes cast for candidates for the office of governor at the last preceding general election in the electoral district of the officer sought to be recalled. Upon written demand, the county clerk, within 5 days, shall certify the minimum number of signatures required for the recall of an officer in the governmental unit in which recall is sought.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

Popular name: Election Code

168.956 Repealed. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

Compiler's note: The repealed section pertained to signatures on recall petition.

Popular name: Election Code

168.957 Recall petitions; qualifications and certificate of circulator; false statement; penalty.

Sec. 957. A person circulating a petition shall be a qualified and registered elector in the electoral district of the official sought to be recalled and shall attach thereto his certificate stating that he is a qualified and registered elector in the electoral district of the official sought to be recalled and shall state the city or the township wherein he resides and his post-office address; further, that signatures appearing upon the petition were not obtained through fraud, deceit, or misrepresentation and that he has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; that all signatures to the petition were affixed in his presence; and that to the best of his knowledge, information, and belief, the signers of the petition are qualified and registered electors and the signatures appearing thereon are the genuine signatures of the persons of whom they purport to be. A person who knowingly makes a false statement in the certificate hereby required is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

Popular name: Election Code

168.958 Recall petition sheet; signature of qualified and registered electors; location for signing; signature of person not qualified and registered elector.

Sec. 958. A petition sheet shall contain only the signatures of qualified and registered electors of the city or township listed in its heading. For recall of a village officer the petition shall be signed by qualified and registered electors of the village. A qualified and registered elector may sign the petition sheet in any location at which the petition sheet is available. A petition is not invalid if it contains the signature of a person who is not a qualified and registered elector of the appropriate city, township, or village listed in the heading of that petition sheet.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

Popular name: Election Code

168.958a Separate petitions required.

Sec. 958a. A separate petition shall be circulated for each officer sought to be recalled.

History: Add. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

Popular name: Election Code

168.959 Recall of senators, representatives, elective state officers, county officials, or secretary of state; filing petitions.

Sec. 959. Petitions demanding the recall of United States senators, members of congress, state senators and representatives in the state legislature, elective state officers except the secretary of state, and county officials except county commissioners, shall be filed with the secretary of state. Petitions for the recall of the secretary of state shall be filed with the governor.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

Popular name: Election Code

168.960 Recall of elective county commissioner or township, city, village, or school official; recall of elective district board member; filing petition.

Sec. 960. (1) A petition demanding the recall of an elective county commissioner or township, city, village, or school official shall be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

(2) A petition demanding the recall of an elective district library board member shall be filed with the clerk of the largest county. For the purposes of this subsection, the term “largest” has the meaning ascribed to it in section 2 of the district library establishment act.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1989, Act 26, Imd. Eff. May 22, 1989.

Popular name: Election Code

168.961 Recall petition; filing; receipt; duties of filing official; duties of city or township clerk; certificate; duties of village clerk; use of qualified voter file.

Sec. 961. (1) A recall petition shall be filed with the filing officer provided in section 959 or 960. The filing official shall give a receipt showing the date of filing, the number of petition sheets filed, and the number of signatures claimed by the filer. This shall constitute the total filing, and additional petition sheets for this filing shall not be accepted by the filing official.

(2) Within 7 days after a recall petition is filed, the filing official with whom the petition was filed shall examine the recall petition. The filing official shall determine if the recall petition is in proper form and shall determine the number of signatures of the petition. In determining the number of signatures, the filing official shall not count signatures on a petition sheet if 1 or more of the following apply:

(a) The execution of the certificate of circulator is not in compliance with this act.

(b) The heading of the petition sheet is improperly completed.

(c) The reasons for recall are different than those determined by the board of county election commissioners to be of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for this recall.

(d) The signature was obtained before the date of determination by the board of county election commissioners or more than 90 days before the filing of the petition.

(3) If the filing official determines that the form of the petition is improper or that the number of signatures is less than the minimum number required in section 955, the filing official shall proceed as provided in section 963(1).

(4) If the filing official determines that the number of signatures is in excess of the minimum number required in section 955, the filing official shall determine the validity of the signatures by verifying the registration of signers pursuant to subsection (6) and may determine the genuineness of signatures pursuant to subsection (7) or shall forward each petition sheet to the clerk of the city or township appearing on the head of the petition sheet. However, the petition shall not be forwarded to the secretary of a school district.

(5) The city or township clerk shall determine the validity of the signatures by verifying the registration of signers pursuant to subsection (6) and may determine the genuineness of signatures pursuant to subsection (7). Within 15 days after receipt of the petition, the city or township clerk shall attach to the petition a certificate indicating the number of signers on each petition sheet that are registered electors in the city or township and in the governmental unit for which the recall is sought. The certificate shall be on a form approved by the secretary of state and may be a part of the petition sheet. If the recall petition is for the recall of a village official, the county clerk shall forward the petition to the clerk of the village, and the duties and responsibilities of the city or township clerk as set forth in this section shall be performed by the village clerk.

(6) The qualified voter file shall be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the

elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

(7) The qualified voter file shall be used to determine the genuineness of a challenged petition signature appearing on a recall petition. Signature comparisons shall be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, the official with whom the recall petition was filed shall compare the challenged signature to the signature on the master card.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1999, Act 219, Eff. Mar. 10, 2000;—Am. 2005, Act 71, Eff. Jan. 1, 2007.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.961a Notice to officer whose recall is sought; challenge; checking signatures; verifying challenged signature; use of qualified voter file.

Sec. 961a. (1) Not later than the business day following the filing of a recall petition, the official with whom the recall was filed shall notify in writing the officer whose recall is sought that the recall petition has been filed.

(2) An officer whose recall is sought may challenge the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions. The officer whose recall is sought shall have not less than 8 days after the clerk has examined the signatures to check signatures on the original registration records.

(3) Subject to subsections (4) and (5), a challenged signature shall be verified by the official with whom the recall was filed.

(4) The qualified voter file may be used to determine the validity of a challenged petition signature appearing on a recall petition by verifying the registration of the signer. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

(5) The qualified voter file shall be used to determine the genuineness of a challenged petition signature appearing on a recall petition. Signature comparisons shall be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, the official with whom the recall petition was filed shall compare the challenged signature to the signature on the master card.

History: Add. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1999, Act 220, Eff. Mar. 10, 2000;—Am. 2005, Act 71, Eff. Jan. 1, 2007.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.962 Repealed. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

Compiler's note: The repealed section pertained to insufficiency of recall petitions.

Popular name: Election Code

168.963 Sufficiency or insufficiency of recall petition; determination; notice; special election.

Sec. 963. (1) Within 35 days after the filing of the recall petition, the filing official with whom the recall petition is filed shall make an official declaration of the sufficiency or insufficiency of the petition. If the recall petition is determined to be insufficient, the filing official shall notify the person or organization

sponsoring the recall of the insufficiency of the petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

(2) Immediately upon determining that the petition is sufficient, but not later than 35 days after the date of filing of the petition, the county clerk with whom the petition is filed shall call the special election to determine whether the electors will recall the officer whose recall is sought. The election shall be held on the next regular election date that is not less than 95 days after the date the petition is filed.

(3) If a petition is filed under section 959, the filing official with whom the petition is filed shall call the special election. The election shall be held on the next regular election date that is not less than 95 days after the petition is filed.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1999, Act 220, Eff. Mar. 10, 2000;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.964 Recall election; procedure; notice; ballots; election supplies; assignment of precinct election officials.

Sec. 964. The procedure governing the election on the question of the recall of an officer shall be the same, so far as possible and unless otherwise provided in this act, as that by which the officer is elected to office. If the official with whom the petition is filed is not required to give public notice of an election concerning the office in question, the official shall give notice to the official or officials required by the general election, the school, or the library laws of this state or a city charter to give public notice of the election, cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the election in the manner provided in this act. Fewer precinct election officials than the number otherwise required under the general election laws of this state may be assigned to duty if it appears that the votes to be cast will not necessitate the number of precinct election officials otherwise so required.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1989, Act 26, Imd. Eff. May 22, 1989.

Popular name: Election Code

168.965 Recall of officer with election duties; appointment of impartial public officer.

Sec. 965. In the event that a petition for the recall of an officer having duties to perform in connection with the election on such question is filed, the official with whom the petition is filed shall appoint some other impartial public officer having knowledge of the election laws involved and such officer thereupon shall discharge the election duties only of the officer sought to be recalled until the result on the question of the recall is finally determined; the public officer so appointed to act shall receive no additional compensation for his services.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.966 Recall ballot; contents.

Sec. 966. (1) The reason for demanding the recall of the officer as set forth in the petition shall be printed on the recall ballot used at the election in not more than 200 words. If the statement of reason set forth in the petition shall contain more than 200 words, then the statement shall be condensed by the sponsor of the petition for use on the ballot. If the sponsor fails to furnish the condensed statement within 48 hours following written demand, then the statement shall be condensed by the official preparing the ballots.

(2) The official preparing the ballot shall provide in writing the officer whose recall is sought the statement of reason which shall appear on the ballot. The officer whose recall is sought, in not more than 200 words, may submit a justification of conduct in office. The justification shall be submitted to the official preparing the ballot within 72 hours after receipt of the notification. If submitted in the prescribed time, the justification shall be printed on the ballot.

(3) The statement "Vote no on the recall" or "Vote yes on the recall" or words of similar import shall not be permitted on the ballot. A part of the reason for demanding the recall of the officer or the officer's justification of conduct in office shall not be emphasized by italics, underscoring, or in any other manner.

(4) There shall be printed on the recall ballot the following questions:

Shall (Name the person against whom the recall petition is filed) be recalled from the office of (title of the office)? Printed below the question in separate lines in easily legible type shall be the words "Yes[]" and "No[]" or in a form as may be prescribed by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

Popular name: Election Code

168.967 Recall election; payment of expenses.

Sec. 967. The expenses of the recall election shall be payable in the same manner as are the costs of a regular election to fill the office in question.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.968 Canvass of recall election; certification of results; office vacant upon certification; notice.

Sec. 968. If a petition is filed under section 960, the board of county canvassers in the county where the petition is filed shall conduct the canvass of the recall election. The canvass of other recall elections shall be by the board of state canvassers. If a board of canvassers determines that a majority of the votes are in favor of recall, the board of canvassers immediately upon the determination shall certify the result to the officer with whom the recall petition was filed. Upon certification, the office is vacant. The officer with whom the recall petition was filed shall immediately upon receipt of the certification notify the clerk or secretary of the electoral district or, if the electoral district is a district library district, the district library board from which the official was recalled and the recalled official of the results of the recall election and the date and time of the certification.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1989, Act 26, Imd. Eff. May 22, 1989.

Popular name: Election Code

168.969 Further recall petition; filing, condition.

Sec. 969. After filing such recall petition and after such special election, no further recall petition shall be filed against the same incumbent of such office during the term for which he is elected unless such further petitioners shall first pay into the public treasury, which has paid such election expenses, the whole amount of election expenses for the preceding special election held for the recall of said incumbent.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.970 Recall of officer; vacancy.

Sec. 970. Upon the filing of the certificate of the canvassing board showing the recall of the officer as herein provided, the officer empowered by law to perform the duties of such recalled official, in the event of such officer's absence, death, illness or inability to act, shall perform and discharge the duties of the office so vacated until the successor to fill such vacancy is duly elected and qualified as herein provided or until the vacancy is temporarily filled. Where power to fill a vacancy by appointment exists, then in such case such office shall be filled in the same manner by temporary appointment effective until a successor shall be duly elected and qualified as herein provided, otherwise, the governor of the state may fill such vacancy until said recalled officer's successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.971 Special election; appointment of review team; applicability of section.

Sec. 971. (1) If the recall is successful, a special election to fill the vacancy shall be held on the next regular election date. The provisions in section 964 for calling and conducting of the recall election govern the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If the governor appoints a review team under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, to perform the functions prescribed in that act relative to a city, township, or village and an elected official of the city, township, or village was the subject of a successful recall, the officer with whom the recall petition was filed does not have the authority to propose a date for a special election. If the review team described in this subsection is appointed after the officer submits a proposed special election date or the county election scheduling committee schedules the special election as required by subsection (1), but before the election is held, the officer's or county election scheduling committee's action

becomes void when the review team is appointed. Within 5 days after the review team described in this subsection reports its findings to the governor as required by section 14 of the local government fiscal responsibility act, 1990 PA 72, MCL 141.1214, the review team shall submit to the county election scheduling committee a proposed date for the special election. A special election scheduled under this subsection is subject to all of the other provisions of subsection (1). This subsection applies to any special election scheduled but not yet held before April 9, 2002.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 2002, Act 91, Eff. Apr. 9, 2002;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

Popular name: Election Code

168.972 Nominating and voting for candidate for nonpartisan office; signing and filing nominating petition; election to fill vacancy for unexpired term; signing, contents, and filing of petition.

Sec. 972. (1) Except as provided in subsection (2), a candidate for a nonpartisan office shall be nominated and voted for in an election scheduled under section 971 by filing a nominating petition or paying a \$100.00 nonrefundable fee not later than 4 p.m. on the fifteenth day after the clerk of the county where the petition was filed announces the official result of the recall election. The clerk shall publicly announce the result of the recall election at the conclusion of the meeting held by the board of county canvassers to certify the recall election. The nominating petition shall be filed with the clerk of the electoral district and signed by a number of qualified and registered electors of the electoral district as determined under section 544f. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee with the clerk of the electoral district.

(2) This subsection applies to an election to fill a vacancy for an unexpired term created by a recall of a school board member, if the election is scheduled to be held on the same date as a general election. A nominating petition filed by a candidate shall be signed by a number of qualified and registered electors of the school district as determined under section 303. The nominating petition shall clearly state that it relates to the filling of a vacancy for an unexpired term and shall be filed with the school district election coordinator, as designated by section 301, not later than 4 p.m. on the fifteenth day after the clerk of the county where the petition was filed announces the official result of the recall election. The clerk shall publicly announce the result of the recall election at the conclusion of the meeting held by the board of county canvassers to certify the recall election. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee to the school district election coordinator.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 107, Imd. Eff. Apr. 7, 1978;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1979, Act 2, Imd. Eff. Mar. 30, 1979;—Am. 1989, Act 26, Imd. Eff. May 22, 1989;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 298, Imd. Eff. July 23, 2004.

Popular name: Election Code

168.973 Election to fill vacancy; party candidates, nomination.

Sec. 973. Party candidates shall be nominated as follows: In case the vacancy to be filled be in a state office or that of United States senator, the state central committee of each political party shall nominate a candidate therefor; in case such vacancy be in a county office or in a district office within an electoral district of 1 county, the county committee of each political party shall nominate a candidate therefor; in case such vacancy be in a district office within an electoral district less than 1 county, the members of the county committee of each political party residing in such electoral district shall nominate the candidate therefor; if the office to be filled be a district office having an electoral district in more than 1 county, the members of the several county committees of each political party residing in those parts of such counties which are in such district shall nominate a candidate for the office; and if such vacancy be in a ward or township office, the committee of each political party thereof shall nominate a candidate for such office. All nominations by such committee shall be certified to the officer with whom the recall petitions were filed within 15 days after the calling of the special election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.974 Recall or resignation of officer as prohibiting candidacy or appointment to fill vacancy; effect of resignation of officer.

Sec. 974. (1) An officer who was recalled shall not be a candidate to fill the vacancy created by the recall nor be appointed to fill a vacancy in an elective office in the electoral district or governmental unit from which the recall was made during the term of office from which the officer was recalled.

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(2) An officer who has resigned subsequent to the filing of a recall petition shall not be appointed to fill a vacancy in elective office in that electoral district or governmental unit during the term of the office from which the officer resigned.

(3) If an officer resigns subsequent to the filing of petitions to recall that officer from office, it shall not be necessary for the office with which the recall petitions have been filed to proceed under sections 961 and 963.

(4) If an officer whose recall is sought resigns after the calling of a recall election, the election shall not be held.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978

Popular name: Election Code

168.975 Candidate deemed elected.

Sec. 975. The candidate receiving the highest number of votes for the vacancy created on such recall should be considered duly elected for the remainder of the term.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.976 Recall election; laws governing.

Sec. 976. The laws relating to nominations and elections shall govern all nominations and elections under this act insofar as is not in conflict herewith.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code